United Nations S/AC.44/2007/28

Security Council

Distr.: General
14 April 2011

Original: English

Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 1 April 2011 from the Permanent Mission of Rwanda to the United Nations addressed to the Chairman

The Permanent Mission of the Republic of Rwanda to the United Nations presents its compliments to the Chairman of the Committee established pursuant to resolution 1540 (2004), and has the honour to submit the national report of the Republic of Rwanda on the implementation of resolution 1540 (2004) (see annex).

Please recycle

Annex to the note verbale dated 1 April 2011 from the Permanent Mission of Rwanda to the United Nations addressed to the Chairman

Report of the Republic of Rwanda on the implementation of United Nations Security Council resolution 1540 (2004)

1. Pursuant to resolution 1540 (2004) adopted on 28 April 2004 by the United Nations Security Council at its 4956th meeting, particularly paragraph 4 thereof, the Government of the Republic of Rwanda has the honour to submit herewith its national report on the steps it has taken to implement the resolution.

I. General statement on arms of mass destruction

Paragraph 1 of the resolution: The Security Council "[*d*]*ecides that* all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery".

2. The Government of Rwanda is firmly committed to the non-proliferation of nuclear, chemical and biological weapons. Accordingly, it neither possesses such weapons in its arsenal nor provides any kind of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use such weapons. Any such action is punishable under Rwandan law in accordance with the modalities described in this report.

II. Laws and measures to prohibit nuclear, chemical or biological weapons

Paragraph 2: The Security Council "[*d*]*ecides also* that all States, in accordance with their national procedures, shall adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them".

3. Rwanda has adopted a wide range of measures to implement this paragraph. The measures include ratification and domestication of international treaties, enactment of national laws, including the Law on Counter Terrorism, and creation of an institutional framework to fight against terrorism, in general, and arms of mass destruction, in particular.

A. International treaties

4. Rwanda has ratified, acceded or subscribed to the following international treaties related to nuclear, chemical and biological weapons:

(a) Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, adopted on 17 June 1925 and ratified by Rwanda on 11 May 1964;

(b) Treaty on the Non-Proliferation of Nuclear Weapons, adopted on 1 July 1968 and ratified on 12 February 1975;

(c) Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction ("Biological Weapons Convention"), adopted on 10 April 1972 and ratified on 12 February 1975;

(d) Convention on the Physical Protection of Nuclear Material, adopted on 3 March 1980 and ratified on 14 April 2002;

(e) Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, adopted on 13 January 1993 and ratified on 17 October 2003;

(f) African Nuclear-Weapon-Free Zone Treaty ("Pelindaba Treaty"), adopted on 11 April 1996 and ratified on 1 February 2007;

(g) Comprehensive Nuclear-Test-Ban Treaty, adopted on 24 September 1996 and ratified on 30 November 2004;

(h) International Code of Conduct against Ballistic Missile Proliferation, known as the Hague Code of Conduct, adopted on 25 November 2002 and subscribed to by Rwanda on the same date.

5. Rwanda is also party to nine international instruments to counter terrorism, including the International Convention for the Suppression of Terrorist Bombings (1997) and the International Convention for the Suppression of the Financing of Terrorism (1999).

6. It is worth noting that according to article 190 of the Rwandan Constitution, "international treaties and agreements which have been conclusively adopted in accordance with the provisions of law shall be more binding than organic laws and ordinary laws except in the case of non compliance by one of parties". In other words, such international treaties have a higher authority than national laws and are ranked second, directly after the Constitution, in the Rwandan legal order.

B. Domestic laws

7. On 9 September 2008, Rwanda enacted Law No. 45/2008 on Counter Terrorism, published in Official Gazette No. 14 of 6 April 2009. Although it is a broad law aimed at combating terrorism in general (105 articles), it contains specific provisions related to nuclear, chemical and biological weapons. Section 4 of chapter II (Acts of terrorism) of the Law is entitled "Use of nuclear, chemical weapons and explosives".

8. Article 23 of the Law prohibits the use or threat of use of weapons of mass destruction and conspiracy to use nuclear weapons for criminal purposes, and considers those found guilty of such offences as terrorists. Article 24 is more specific, providing that any person commits a terrorist act, deliberately intending to kill, cause bodily injury to another person or destroy property or the environment, when he or she: (1) puts toxic substances or any toxic object in a certain place; (2) sends

toxic substances or any toxic object from one place to another by post or any other possible means; (3) informs a person anywhere in the world that a substance is toxic or a nuclear weapon.

9. The mere fact of owning materials, equipment and documents on the manufacture and use of chemical weapons, with a view to seriously harming any other person or destroying property or the environment is also considered a terrorist offence (article 25).

10. Regarding penalties, the possession of nuclear, chemical or biological weapons, materials utilized to manufacture those weapons or documents on their functionality and use, together with acts referred to in article 24, are punishable by imprisonment for a term from 20 to 35 years, while industrial manufacture for criminal purposes is punishable by life imprisonment (articles 90 and 91).

11. Furthermore, the new penal code, which will enter into force very soon, contains provisions that severely punish, inter alia, terrorism, complicity in a terrorist act, illegal use of explosives in gatherings, possession of weapons and writings indicating how chemical weapons are used, use of chemicals and dumping toxic waste on national territory.

12. According to article 447 of the said draft penal code, any person who deliberately intends to kill, cause bodily injury to another person, or destroy property or the environment commits a terrorist act and shall be liable to imprisonment for a term from 20 to 25 years if:

(1) He/she puts toxic substances or any toxic object in a certain place;

(2) He/she sends toxic substances or any toxic object from one place to another by post or any other possible means;

(3) He/she informs a person anywhere in the world that a substance is toxic or a nuclear weapon.

13. According to article 448 of the same draft penal code, any person who gives information, knowing or thinking that the information is not true, for the purpose of convincing any person in the world that a toxic substance or nuclear material or dangerous or nuclear weapons are located at a certain area, whether at the time of giving the information or after, shall be liable to imprisonment for a term from 20 to 25 years.

C. Institutional framework

14. Rwanda has established two committees in charge of counter-terrorism. These committees were created by Prime Minister's Order No. 39/03 of 16 June 2002 and are the National Counter Terrorism Committee and the Executive Committee on Counter Terrorism. While the committees were originally created pursuant to United Nations Security Council resolution 1373 (2001) on terrorism, they also address issues such as those related to United Nations Security Council resolution 1540 (2004).

15. The National Counter Terrorism Committee is chaired by the Minister for Foreign Affairs and Cooperation, deputized by the Minister of Internal Affairs, and composed of the Minister of Defence, the Minister of Justice and the Security Adviser to the President of the Republic. The National Counter Terrorism

Committee is assisted by an Executive Committee composed of the Director General of the National Security Service, the Chief of Defence Staff in the Rwanda Defence Forces and the Inspector General of the Rwanda National Police. Its task is to advise the National Committee on measures to be taken in better fighting against terrorism.

16. The Government has also established an Anti Terrorism Unit within the National Police and pledged, in its Government Programme for 2010-2017, to continue building its capacity. Rwanda has further transferred the immigration services under the National Security Service with a view to better controlling the movement of suspected terrorists.

17. In addition, Rwanda has put in place a national authority to coordinate the implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction.

III. Controls to prevent proliferation of nuclear, chemical or biological weapons

Paragraph 3: The Security Council "[*d*]*ecides also* that all States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including by establishing appropriate controls over related materials and to this end shall:

(a) Develop and maintain appropriate effective measures to account for and secure such items in production, use, storage or transport;

(b) Develop and maintain appropriate effective physical protection measures;

(c) Develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items in accordance with their national legal authorities and legislation and consistent with international law;

(d) Establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit, trans-shipment and re-export and controls on providing funds and services related to such export and trans-shipment, such as financing, and transporting, that would contribute to proliferation, as well as establishing end-user controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations".

A. Accounting and security

18. Rwanda will soon become a member of the International Atomic Energy Agency and signed on 12 November 2009 an agreement between the Republic of Rwanda and the International Atomic Energy Agency for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons.

19. Under article 1 of the agreement, Rwanda, as a State party to the Treaty on the Non-Proliferation of Nuclear Weapons, committed itself to accepting safeguards on all source or special fissionable material in all peaceful nuclear activities within its territory, under its jurisdiction or carried out under its control anywhere, for the exclusive purpose of verifying that such material is not diverted to nuclear weapons or other nuclear explosive devices.

20. For this purpose, articles 7 and 8 of the agreement request Rwanda to establish and maintain a system of accounting for and control of all nuclear material subject to safeguards under the agreement, and to provide the Agency with information concerning nuclear material subject to safeguards under the agreement and the features of facilities relevant to safeguarding such material. In that regard, the Rwanda Bureau of Standards controls the transportation, packaging, sealing and destination of imported biological and chemical products, as well as the destruction of expired chemical or biological products.

21. Regarding protection of the environment, Organic Law No. 04/2005 of 8 April 2005 determining the modalities of protection, conservation and promotion of the environment in Rwanda prohibits, in its article 91, the purchasing, selling, importing, exporting, transiting, storing and stockpiling of dangerous chemicals and substances and other prohibited pollutants. Article 92 of the same Law prohibits the selling, importing, exporting and storing of ordinary drugs or chemical substances with the intention to sell or distribute even if free of charge, except with authorization from competent authorities.

22. The Organic Law goes further by prohibiting release into the atmosphere of poisonous gases, smoke, waste, soot, dust and any other chemical substances in an illegal manner, together with prohibiting dumping, eliminating and immersing any chemical substance in water and in any other place where it may threaten general health and biological resources (articles 88 and 89).

B. Physical protection

23. Rwanda is a State party to the Convention on the Physical Protection of Nuclear Material of 1980 under which it committed itself to "tak[ing] appropriate steps within the framework of its national law and consistent with international law to ensure as far as practicable that, during international nuclear transport, nuclear material within its territory, or on board a ship or aircraft under its jurisdiction insofar as such ship or aircraft is engaged in the transport to or from that State, is protected [...]".

C. Border controls

24. Border control, in connection with arms of mass destruction, is under the joint responsibility of the Rwanda National Police, through its Anti Terrorism Unit, and the Rwanda Revenue Authority, through its Customs Services, in cooperation with sister institutions of member States of the East African Community (EAC). Indeed, on 1 July 2007, Rwanda acceded to that Community, currently enjoying a Customs Union. Therefore, the border controls of its five member States (Burundi, Kenya, Rwanda, Uganda and the United Republic of Tanzania) are governed by the East African Community Customs Management Act of 2004, which applies to Rwanda since 1 July 2009. The Act prohibits the importation in the EAC member countries of certain goods, including goods containing chemical and biological substances.

25. Rwanda is also among the countries that, in June 2005, expressed their intention to implement the Framework of Standards to Secure and Facilitate Global Trade of the World Customs Organization. One of the benefits of the Framework is improved security against illegal transport of materials such as narcotics and weapons.

26. Regarding measures at Kigali International Airport aimed at preventing the entry of explosives, the Rwanda National Police has established a canine brigade responsible for curtailing the entry of illegal arms and explosives into the country. Plans are also in advanced stages to equip the National Police with more sniffer dogs to detect drugs and explosives at all police stations across the country.